

Annex B - Examples of prepacked for direct sale food

Version 3 – Issued August 2022

Key changes/additions to Version 2

- Added information on the definition of packaging
- Added information on the definition of presenting the food in packaging
- Added new examples of PPDS food

Introduction

This annex considers whether food that a food business operator offers for sale falls within the definition of prepacked for direct sale (PPDS). 'Offers for sale' should be interpreted in light of the definition of 'placing on the market' - see Article 3(8) of Regulation (EC) No 178/2002. Therefore, food supplied without charge falls within the meaning of 'offered for sale'.

The examples in this annex are based on queries that have been received from food business operators, local authority officers, posts on Knowledge Hub and the PPDS webinars (held by the FSA in July and August 2021). Please note that these examples can only serve as a guide. Local authorities will need to determine whether the PPDS requirements apply based on the facts of each situation. Ultimately, whether a specific example of food is PPDS or not would need to be determined through a case going to court.

Due to the diverse nature of food business operations it's not possible to cover every scenario. We have included a broad range of examples, but if you cannot find the answer to a particular query in this document then please email the PPDS policy team - PPDS@food.gov.uk

Definition of PPDS food

There is no legal definition of PPDS. The FSA has therefore developed the following interpretation of what PPDS food is:

“PPDS food is food that is packed before being offered for sale by the same food business to the final consumer: i) on the same premises; or ii) on the same site; or iii) on other premises if the food is offered for sale from a moveable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles) and the food is offered for sale by the same food business who packed it.”

The definitions of prepacked and PPDS need to be considered together and it is useful to define the key aspects of a prepacked food that have been highlighted in the context of PPDS:

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1. Definition of 'single item of food'

The PPDS requirements only apply to food presented to the consumer as a single item, which consists of the food and the packaging it was placed into prior to being offered for sale (see Article 2(2)(e) of retained Regulation (EU) No 1169/2011).

The term 'single item' refers to the food and the packaging as a whole, and not the number of food items within the packaging. For example, a single piece of prepacked cake would be a single item, as would a prepacked tuna salad with side dressing (i.e. multiple food types within the same packaging).

Examples of single items of PPDS food are:

- A single packaged sausage roll
- A multi-pack of sausage rolls
- A whole cake in packaging
- A slice of cake in packaging
- Prepacked sandwiches

Examples of food products that are not a 'single item' (including its packaging) and therefore not PPDS are:

- Loose pork pies on display in a container. Customers can request a pork pie(s) from the container, they are not being offered the container and all the pork pies within it as a single item.
- A covered large cake that customers can only buy by the slice, i.e. the whole cake, including the cover, is not for sale as a single item, only the individual slices of the cake are for sale.

2. Definition of 'packaging'

The definition of 'packaging' is taken from the definition of 'prepacked' food as defined in Article 2(2)(e) of retained Regulation (EU) No 1169/2011:

“any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ...”

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Therefore, 'prepacked' in the context of PPDS food means any single item, consisting of the food and its packaging, that is:

- ready for presentation to the final consumer; and
- is partly or fully enclosed by the packaging; and
- the food cannot be altered without opening or changing the packaging.

3. Definition of 'offered for sale'

The interpretation of 'offered for sale' in Article 2(2)(e) of retained Regulation 1169/2011 should be determined with regard to the definition of 'placing on the market' in Article 3(8) of retained Regulation 178/2002 which is applied to retained Regulation 1169/2011 by Article 2(1)(a). Regulation 178/2002 states:

“Placing on the market’ means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves”

Therefore, PPDS food includes food products that are offered to consumers free of charge such as food offered by charities or a food bank.

4. Definition of 'presented to the final consumer'

The legislation does not define 'presentation' and therefore it should be given its everyday meaning. 'Presentation' as defined by the Cambridge Dictionary is *“the act of giving or showing something”*. The definition of 'final consumer' from Regulation 178/2002 is applied to Regulation 1169/2011 by virtue of Article 2(1)(a). A 'final consumer' is therefore the 'ultimate consumer' of a food who will not use the food as part of a food business operation or activity.

In the instance of PPDS food, then it needs to be presented to the consumer in packaging as a 'single item'. Food does not necessarily need to be available to be handled by the consumer to be considered 'presented', and may still be considered as 'presented' even where it might be out of reach of the consumer. A key consideration should be whether there is meaningful opportunity to view a label or detect the absence of a label. The reason for introducing the regulation was to remove the problem of consumers assuming that the absence of a label means food allergens are not contained in a product.

When trying to determine the point at which a food is 'presented to the final consumer', LA officers may wish to consider some of the following:

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Factors that indicate a food is 'presented' in packaging include:

- the item is in packaging and is on display to induce a sale
- the item is in packaging and in an open cabinet/refrigerator and can be handled by consumers
- the item is in packaging and is visible to consumers in a cabinet/refrigerator without consumer access
- sauces/side dishes in pots/bags that can be purchased as individual items or are provided free of charge with takeaway meals such as a pot containing a side salad or a bag of prawn crackers
- the item is in packaging and is in a fridge/shelf accessible to consumers who can either take the food item as it is or ask a member of staff to further process it (e.g. toasting a panini or heating a pasta pot).

NB. The food item does not have to be the final product to be considered PPDS. The item may require further processing, for example in the case of a panini or toasted sandwich which requires heating. If it was initially presented in packaging, then it is PPDS. It is reasonable to assume that it could be purchased as it is and consumed unprocessed or processed at home/elsewhere.

- There is a risk that the consumer could rely upon the absence of a label as an indication that it does not contain allergens.

Factors that indicate a food is not 'presented' in packaging include:

- the item is kept in a kitchen and removed from the packaging before being provided to the consumer on **all occasions**
- food is wrapped/packaged purely for storage, i.e. it will never be seen or handled by the consumer in that packaging
- items will be removed from their packaging (including pots) and added to a plated meal before being provided to the consumer **on every occasion**.

The above list is not exhaustive, and each point should not be considered alone.

If there is the possibility that an item will be presented to a consumer in the packaging in which it was placed before being offered for sale (on the same premises etc.) on **some occasions** meaning it may be visible (to some degree) to, or handled by a consumer in that packaging, it is PPDS even if it is removed from the packaging before being presented to the consumer most of the time. With the example of a sandwich that can either be eaten on the premises or taken away, it may be taken away in the packaging or have the packaging removed and be placed on a plate, therefore this product is considered PPDS.

However, you should also consider whether a business can clearly differentiate between and separate the same product that can be offered for takeaway in packaging or have packaging removed before being served. For example, a food business may prepare a batch of

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sandwiches, pack them individually and store them out of sight of consumers. Half of the sandwiches may be intended to be for takeaway customers and the other half intended for customers who will eat the sandwich on the premises. The sandwiches that are for takeaway will be provided to the consumer in the packaging and will be PPDS, whilst the sandwiches that will be eaten on the premises will be removed from packaging and plated before being provided to the consumer and will be non-prepacked food.

The food business may be able to show that it can successfully differentiate between the sandwiches which will be provided to consumers in packaging (PPDS) and those that will be served without packaging (non-prepacked). For example, they may be stored in separate fridges (that the consumer cannot see or access) or they may add a compliant PPDS label to those being provided in packaging before being given (presented) to the customer.

The food industry is vast and diverse which means that there will be many scenarios where the point at which an item is 'presented' is unclear or where a business model does not appear to fit easily with the interpretation above. It is up to LA Officers to use their discretion based upon their experience and judgement, as well as the resources and tools provided by the FSA, when enforcing this legislation. Officers should also consider obtaining their own legal advice where appropriate. The FSA is unable to provide a definitive answer or example for all scenarios, and the final decision would rest with a court.

Example

A sandwich shop prepares multiple cheese sandwiches to be sold to consumers on the same premises later that day. How/where the sandwiches are kept within that shop will determine whether they are **presented to the final consumer** in packaging and will require relevant labelling.

NB. This example is aimed at deciding whether an item is 'presented to the final consumer' in packaging. It should be assumed that all other PPDS criteria are met. Guidance looking at the other criteria that need to be met for an item to be PPDS can be found in Annex B posted on the Knowledge Hub.

No.	Scenario	PPDS?	Comments	Status of food if not PPDS
1	The sandwiches are individually wrapped in cling film and placed in a glass display unit. Consumers do not have access to the sandwiches but can see them through the glass of the display unit.	Yes	Each item is individually presented to the final consumer in packaging as the customer can clearly see the packed item.	

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2	The sandwiches are individually wrapped/packageg and placed into an open display unit where consumers can access and select the sandwich.	Yes	Each item is individually presented to the final consumer in packaging as the customer can clearly see the packed item.	
3	All the sandwiches are placed on a tray, covered with cling film, and then placed in a glass cabinet. Individual sandwiches are removed from the tray and served to customers upon request.	No	This is not a single item consisting of the food and its packaging.	Non-prepacked
4	The sandwiches are individually wrapped/packageg and placed in a fridge in the kitchen. Consumers are not able to access or see into the kitchen. The sandwich is not available to be purchased to take away. When a consumer orders the sandwich, it is always removed from the packaging and placed on a plate before being served to the consumer.	No	This item is not presented to the final consumer in the packaging it was placed in before it was ordered, as the customer will not see the packaging or be aware that it was ever wrapped/packageg.	Non-prepacked
5a*	The sandwiches are individually wrapped/packageg and placed in a fridge in the kitchen. Consumers are not able to access or see into the kitchen. When ordered, the consumer can choose whether they want to consume the sandwich on the premises or take it away. The consumer opts to eat in, the sandwich is removed from its packaging, placed on a plate and served to the consumer.	Yes	Although this item is not presented to the final consumer in the packaging, it could alternatively be taken away and would be presented in packaging in that instance.	
5b	The customer chooses to take the sandwich away, it is provided to the customer in the wrapping/packageg it was placed in earlier that day.	Yes	The item is presented to the final consumer in packaging as the customer can clearly see the packed item.	

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<p>*NB. For scenarios 5a and 5b, as mentioned above, the FBO would need to be able to differentiate between the sandwiches that will be served to customers who eat in and will not be aware of the item being in packaging (non-prepacked) and those that will be served to the consumer in the packaging (PPDS). If this cannot be done, all of the sandwiches should be considered PPDS as they may be presented to the final consumer in packaging.</p>				
6	<p>The sandwiches are made and sold as toasties. They are individually wrapped/packaged and placed into an open display unit where consumers can access and select the sandwich. The consumer selects the sandwich and takes it to a member of staff to request that it is toasted.</p>	<p>Yes</p>	<p>The item is presented to the final consumer in packaging as the customer can clearly see and handle the item in the packaging it was placed before being offered for sale.</p> <p>The food item does not have to be the final product. The item may require further processing; however, it is important to consider whether a consumer could choose to purchase the item as it is and process it at home, or consume it unprocessed. It is also important to consider that a consumer could confuse the item with 'prepacked' food and assume that the absence of a label indicates the absence of allergens in the food.</p> <p>If the consumer does hand it to a member of staff for further processing, the sandwich may no longer be PPDS when it is returned if it is no longer in the packaging in which it was placed before being offered for sale or the packaging is open. However, this does not affect the initial version of the item being PPDS and requiring labelling as such.</p>	
7	<p>The sandwiches are made and wrapped individually in clingfilm. They are placed in a glass fronted display cabinet which customers can see into but not access. When ordered, they are removed from the</p>	<p>Y</p>	<p>The item is presented to the final consumer in packaging as the customer can clearly see the item in the packaging it was placed before being offered for sale, when it is offered for sale. The fact that it is removed from the</p>	

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	clingfilm and placed on a plate before being served to the customer.		packaging before being provided to the consumer is irrelevant. The consumer could consider that the absence of a label means the absence of allergens in the food.	
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Distance selling

Before considering whether a food is PPDS and should be labelled, it is worth establishing if the food in question is offered for sale by means of distance communication¹.

The PPDS labelling requirements do not apply to PPDS food that is supplied by means of distance selling, such as food that is purchased over the phone, internet or via apps.

Below are some examples of when distance selling does and doesn't apply.

No.	Scenario	Distance sale?	Reason
8	A hotel offers room service where guests order food over the phone or via an app. Some of the food on offer is prepacked on the premises by the hotel.	No	We do not consider hotel room service to be a distance sale. Where products are packed or boxed in advance of an order, on the same premises at which guests are staying, this is PPDS, due to the simultaneous presence in one location of both the guest and business.

¹ 'Means of distance communication' means any means which, without the simultaneous physical presence of the supplier and the consumer, may be used for the conclusion of a contract between those parties (Article 14 and Article 2(2)(u), Regulation (EU) No.1169/2011)

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9	<p>A food business has electronic order screens in store and a drive through service with electronic order screens. Customers can also place orders over an intercom at the drive through.</p>	No	<p>Order screens and intercoms at a drive through (or drive thru) are not 'means of distance communication' because of the simultaneous physical presence of the supplier and the consumer.</p>
10	<p>A food business sells 'mystery bags' of perishable food at the end of the day to mitigate food waste. The bags can only be ordered online (via a website or app).</p> <p>The content of the mystery bags will vary on a day-to-day and bag-to-bag basis due to the availability of the products involved.</p>	Yes	<p>Food such as this, if sold via an app or website, would be a distance sale and therefore not prepacked for direct sale.</p> <p>Businesses that adopt this model must ensure they have processes in place to make mandatory allergen information available to consumers, free of charge, before they purchase a mystery bag of food.</p> <p>This can include clear messaging that instructs consumers to contact the business directly for information ahead of placing an order.</p> <p>Allergen information must also be available at the moment the food is picked up by the customer.</p>
11	<p>Business X has a web site selling food made by local food businesses.</p> <p>Business X doesn't see the food. Customers order and pay using their web site. Business X sends details of the order to the relevant food business, who sends the food to the customer.</p>	Yes	<p>This is a distance sale, so the PPDS labelling requirements do not apply.</p> <p>Allergen information should be made available in some form to the consumer, before the purchase is concluded and at the moment of delivery.</p>

Food prepacked for direct sale

An online [decision tool](#) is available to help determine whether food is PPDS or not.

For food to be considered prepacked for direct sale, it must meet all three of the following criteria:

- Criteria 1 – Is the food presented to the consumer in packaging?
- Criteria 2 – Is the food packaged before the consumer selects or orders it?
- Criteria 3 – Is the food packaged at the same place it is sold? *

* Note: PPDS food also includes food packed at a different location if the food is offered for sale from a moveable and/or temporary premises (such as marquees, market stalls, mobile sales vehicles) and if the food is offered for sale by the same food business who packed it.

The definition of packaging is taken from the definition of prepacked food as defined in Article 2(2)(e) of Regulation (EU) No 1169/2011:

‘any single item for presentation as such to the final consumer and to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; ...’

Therefore, prepacked in the context of PPDS food means any single item, consisting of the food and its packaging, that is:

- ready for presentation to the final consumer; and
- is partly or fully enclosed by the packaging; and
- the food cannot be altered without opening or changing the packaging

Catering/retail sector

No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
12.	A baguette is placed in a cardboard sleeve that only partially covers the baguette. The baguette can be altered while it is still in the cardboard sleeve without opening or changing the packaging.	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? No: In this example the cardboard sleeve does not meet the definition of packaging that applies to PPDS food. The baguette can be altered without opening or changing the cardboard sleeve so the item is classed as non-prepacked food.</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The form of packaging used does not meet the definition of packaging that applies to PPDS food. The baguette will likely be put into other packaging that encases the product after the customer orders it.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? No: The form of packaging used does not meet the definition required for PPDS food.</p> <p>To meet the criteria of prepacked, the food:</p> <ul style="list-style-type: none"> • must fully or partly enclosed by the packaging; and 	Non-prepacked food

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
			<ul style="list-style-type: none"> cannot be altered without opening or changing the packaging in some way <p>If a baguette sleeve/bag completely encases the food, and is folded over, twisted or sealed, it would be PPDS.</p>	
13.	<p>Side dishes for takeaway meals are prepacked in anticipation of customer demand, e.g.</p> <ul style="list-style-type: none"> prawn crackers in a sealed plastic bag coleslaw or other side dishes in lidded pots poppadom condiments such as spiced onion salad and chutney in lidded pots 	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>There are specific rules for labelling small containers where the largest surface area is less than 10 cm². The largest surface area might be the entire side of a square or rectangular package (i.e. height x width). The largest surface area of cylindrical container, such as a small pot, might be the whole of the curved surface, not necessarily the top or the bottom.</p> <p>If the customer orders their food over the internet or by phone, then it is a distance</p>	

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
			sale and the PPDS requirements do not apply.	
14.	<p>A sushi restaurant has a conveyor belt that carries individual dishes. The individual dishes are covered by a clear dome for hygiene purposes and so customers can see what they are selecting (i.e. each sushi dish under a dome is presented as a single item to consumers).</p> <p>These dishes are not pre-ordered. Customers self-select dishes from the conveyor belt.</p>	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>Sushi dishes covered with domes on the conveyor belt are considered to be prepacked because they are not pre-ordered and the packaging would have to be opened to alter the food i.e. removing the dome equates to opening the packaging.</p>	
15.	<p>A selection of cupcakes are on display in a covered cake stand. Customers can request a cupcake(s) from the stand i.e. the cupcakes and cake stand together are not being offered for sale as a single item.</p> <p>When a customer orders a cupcake, a member of staff</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging?</p> <p>No: Although the cupcakes are in packaging (the covered cake stand), they are not being presented as a single item of food i.e. the cakes and the covered cake stand are not being presented as whole lot. Therefore, the cakes and the covered cake stand do not meet the definition of prepacked.</p>	Non prepacked food

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
	removes the cake stand cover and selects a cupcake(s). This is served to the customer on a plate or placed in a paper bag to takeaway.		<p>If the cupcakes and cake stand were being offered for sale as one single item, this would be PPDS.</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The cupcake selected is served on a plate or packaged after being ordered by the consumer.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes: If the cupcake will be placed into packaging after it is selected No: If the cupcake is served on a plate.</p>	
16.	Alcoholic drinks are pre-poured and lidded in anticipation of customer demand e.g. in preparation for half-time demand at a sporting event.	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>If the drinks contain >1.2% alcohol they are exempt from the requirement to be labelled with an ingredients list, but they will still need to be labelled with the presence of any allergens. This should</p>	

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
			<p>be done using a “contains” statement e.g. “Contains barley”. Best practice is to emphasise the allergen(s), but this is not a mandatory requirement in this instance.</p>	
17.	<p>A prepacked ready meal is made by business A and sold to business B. The meals are prepacked food and meet full labelling requirements.</p> <p>Business B serves these meals to consumers. They remove the lid of the ready meal, heat the contents and then replace the lid.</p> <p>The heated ready meal is placed in a hot hold display cabinet. Customers choose a meal from the display cabinet.</p>	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>After heating, the ready meal is effectively re-packaged by the business when they replace the lid. This is done before customers select a meal from the hot hold display cabinet and therefore the ready meals are PPDS.</p>	
18.	<p>Platters of food on a buffet are covered with one piece of cling film.</p> <p>The clingfilm is for hygiene purposes and is removed</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? No: The clingfilm is removed before consumers have access to the buffet, so it is not presented to consumers in packaging.</p>	Non-prepacked food.

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
	before customers are given access to the buffet.		<p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The food is presented to the consumer as ‘non-prepacked’ food. Also, the platters of food are not a single item.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? No: The food is presented to the consumer as ‘non-prepacked’ food.</p>	
19.	<p>A food business operator makes individual sandwiches that are placed on plates and covered in clingfilm.</p> <p>The sandwiches are put on display in a chiller cabinet for customers to select.</p>	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>A single item of food (that is ready for presentation to the final consumer), such as a sandwich, on a plate that is covered with cling film, before being ordered by a customer, will need to comply with the new PPDS rules.</p> <p>This item does meet the definition of packaging that applies to PPDS food –</p>	

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
			<p>the packaging encases the product so that the food cannot be altered without opening or changing the packaging (in this instance it is opened or changed by removing the clingfilm from the plate).</p> <p>We do not have a definition of packaging that says that packaging is only made of certain materials, or that stipulates that PPDS products are only those that are taken off-site. So this example is considered to meet the definition of PPDS.</p>	
20.	<p>A restaurant has soup on their menu. The soup comes with a bread roll.</p> <p>The bread rolls are individually wrapped in clingfilm for freshness and are stored in the kitchen (i.e. the customer does not have sight of these).</p> <p>When an order for soup is received , a bread roll is removed from its cling film and placed on the customers plate alongside the bowl of soup.</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? No: The FBO removes the cling film from the bread roll before presenting the food to the consumer on a plate. Therefore, the bread roll is not presented in packaging.</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The food is presented to the consumer as a non-prepacked item.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? No: The food is presented to the consumer as a non-prepacked item.</p>	Non-prepacked food.

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
21.	A fish and chip shop sells buttered bread rolls. The rolls are individually wrapped in clingfilm and placed on the counter ready for customer demand. They are served to customers in the cling film.	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p>	
22.	Fish and chips are wrapped in paper to takeaway after a customer places their order.	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? No: It is non-prepacked when the consumer places their order. It is subsequently packaged to order.</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The fish and chips are only packaged after the customer places their order.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes: But after the consumer has ordered it.</p>	Non-prepacked food
23.	A food business makes and packages paninis	Yes	Criteria 1 – Is the food presented to the consumer in packaging? Yes	

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	<p>which are put on display in a chiller cabinet.</p> <p>Customers select a panini from the cabinet and can hand it to a member of staff who removes the panini from its packaging before toasting it.</p> <p>After toasting, the member of staff either places the panini back in the original packaging and hands it back to the consumer, or if the customer is eating-in, places the panini on a plate.</p> <p>There is nothing to prevent a customer taking the panini from the premises in its packaging</p>		<p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>The panini is prepacked by the business before being presented for sale to the customer.</p> <p>The fact that the FBO removes the panini from its packaging before toasting it does not change the PPDS status of the food; it was initially presented to the customer in packaging.</p> <p>How the panini is served to the customer after heating is also not relevant as the panini was initially presented to the consumer in packaging.</p>	
24.	<p>A bakery has loose food on display, ready for sale to consumers.</p> <p>This includes a tray of flapjacks and loaves of</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? No: The food is not in packaging when the customer chooses or selects the product</p>	Non-prepacked food

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
	<p>bread, neither of which are in packaging.</p> <p>Portions of flapjack are taken from a tray and placed in a bag when a customer requests a piece.</p> <p>Likewise, loaves of bread are placed in a bag when a customer requests one.</p>		<p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The food is not in packaging before the customer chooses or selects it.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes: But after the consumer has ordered it.</p> <p>Open bakery products, such as a tray of flapjacks, are not prepacked so are not PPDS.</p>	
25.	<p>In a deli, customers select loose bakery products that are on display, such as croissants or loaves of bread, and place them into a bag.</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? No: The products are not presented to consumers in packaging.</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The bakery products are not prepacked. The customer selects the products themselves and places them in packaging.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes: But after a consumer has selected them.</p>	Non-prepacked food

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
26.	<p>An ice cream manufacturer uses 5 litre tubs for their products. These 5 litre tubs are sold to other businesses and comply with the labelling requirements for prepacked food.</p> <p>The manufacturer decants ice cream from these 5 litre tubs into 500 ml tubs for direct sale to members of the public who visit the manufacturing premises.</p> <p>These tubs are lidded and displayed in a freezer for customers to select.</p>	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>The 500 ml tubs of ice cream are PPDS. They are prepacked at the same premises they are sold, so will need to comply with the PPDS labelling requirements.</p>	
27.	<p>An FBO owns a food factory and a number of retail outlets.</p> <p>They manufacture food that they prepack. This prepacked food is sold in their retail outlets across the UK.</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? No: The food is not packaged at the same place it is sold.</p>	Prepacked food

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
			<p>In this scenario the products are prepacked food, not PPDS. Although the food is packaged by the same food business, they are not sold at the same place.</p>	
28.	<p>To meet demand during busy periods, a food business prepares and prepacks burgers in anticipation of customer demand.</p> <p>The packaging meets the definition of prepacked.</p>	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>Examples of burger packaging that would meet the definition of prepacked include:</p> <ul style="list-style-type: none"> • a closed cardboard/polystyrene lidded box. • a burger that is fully wrapped in paper. <p>The length of time the burgers are in the packaging prior to being sold is irrelevant. If they are presented to the consumer in packaging and are packed <u>before</u> the consumer selects them, they are PPDS food.</p>	

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
29.	The same business (see above) makes burgers to order during quite service periods.	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The burgers are made to order and are packaged after the consumer orders them.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes: But after a consumer has ordered it.</p> <p>Burgers that are made to order are not PPDS. The FBO can choose to use the same packaging as the PPDS burgers (assuming the ingredients and allergens remain the same) or use different packaging. This will be a business decision for the FBO.</p>	Non-prepacked food
30.	<p>A food business offers PPDS food to its customers.</p> <p>Something goes wrong with the labelling machine and they are unable to label the PPDS food that is already prepacked.</p>	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p>	

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
			<p>In this scenario the business will need to find an alternative way of labelling the prepacked food.</p> <p>Alternatively, they could consider removing the PPDS food from its packaging and offering it for sale without packaging or packaging it at the request of a consumer.</p> <p>If the food is presented as 'non-prepacked' food the business will need to decide how to provide mandatory allergen information to consumers e.g. orally or in some form in writing.</p>	

Schools and colleges

No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
31.	<p>A parent pre-selects their child's school lunches (see note about pre-payment).</p> <p>Items of food that make up the lunch will include food prepacked by the school kitchen e.g. a sandwich, side salad in a container or a dessert in a lidded pot.</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The food is pre-ordered (made to order) so is not packaged before it is ordered.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold?</p>	Non-prepacked food

Annex B - Examples of prepacked for direct sale food

No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
			<p>Yes: But following an order by the consumer.</p> <p>It is important that schools have all the information needed to develop their own procedures and practices to minimise the risks for children with allergies. Schools should have plans in place to ensure the safety of pupils with food allergies. This will include arrangements to ensure staff, such as cooks and lunch time supervisors, know the dietary needs of pupils.</p> <p>NOTE: In scenarios such as this, it is important to distinguish between food that is pre-paid and food that is pre-selected/pre-ordered. Many schools will take prepayments for school lunches e.g. they operate an online system that parents can add money to (but the individual food items might not be selected in advance). The pre-payment for food is not considered to be the same as specific food items being pre-ordered or pre-selected. As such, officers will need to understand the specific arrangements before deciding whether food is PPDS or a distance sale which is made to order.</p>	

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
32.	<p>Packed lunches are prepared for a school trip. These lunches are placed in a bag/box that meets the definition of packaging .</p> <p>The contents of the packed lunches are pre-selected by parents.</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The food is pre-ordered (made to order) so is not packaged before it is ordered.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes: But after it has been ordered.</p> <p>If the school lunches are made and packed to order, these are not prepacked, and are therefore not PPDS.</p>	Non-prepacked food
33.	<p>A secondary school canteen has open trays of hot food under heat lamps.</p> <p>Students select which food they would like from the various trays. Kitchen staff plate portions of the food from the different trays and pass the plate to the students.</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? No: The food is not presented in packaging.</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The food is not packaged before it is selected.</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? No: The food is not packaged.</p>	Non-prepacked food

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
	The food is not pre-ordered or selected by the students or their parents.			
34.	<p>A school canteen prepacks sandwiches for the lunch time rush.</p> <p>The sandwiches are placed on display and students make their own selection from what's on offer.</p>	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p>	
35.	<p>A primary school offers food prepacked by the school kitchen at morning break.</p> <p>Pupils choose from the selection on offer i.e. food is not selected or ordered in advance.</p>	Yes	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? Yes</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes</p> <p>In this example, the school and kitchen staff should be aware of the allergies children have and have arrangements in place to minimise the risks for children with allergies</p>	

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No.	Scenario	PPDS?	Assessment / comments	Status of food if not PPDS
36.	<p>A college has a deli bar from which students can order a freshly filled baguette.</p> <p>The baguettes are put into packaging after the student orders it.</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? Yes: The baguettes are placed in packaging before being passed to the student, but after being ordered by the consumer.</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: The baguettes are made to order, so are not packaged before being selected by the students</p> <p>Criteria 3 – Is the food packaged at the same place it is sold? Yes: But after being ordered by a consumer.</p>	Non-prepacked food

Caring establishments

No.	Scenario	PPDS?	Assessment / comments	Status of the food if not PPDS
37.	<p>A hospital trust produces meals onsite for patients using the cook freeze model.</p> <p>The meals are delivered to the wards where they are reheated in multi portion</p>	No	<p>Criteria 1 – Is the food presented to the consumer in packaging? No: The food is presented to patients on a plate, there is no packaging.</p> <p>Criteria 2 – Is the food packaged before the consumer selects or orders it? No: As above</p>	Non-prepacked food

Annex B - Examples of prepacked for direct sale food

No.	Scenario	PPDS?	Assessment / comments	Status of the food if not PPDS
	trays and then plated and served to the patients.		Criteria 3 – Is the food packaged at the same place it is sold? No: As above	